

Remarks

Claims 1-11 are presented for Examiner Pratt's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed February 12, 2003, the Examiner asserted that Applicants failed to comply with the Examiner's request for resubmission of the IDS papers 3 and 4. It should be noted that pursuant to the Examiner's request, on February 27, 2003 replacement IDS materials were provided to the Examiner via facsimile and the Examiner subsequently considered and signed off on such materials on March 3, 2003. Applicants thank the Examiner for considering the faxed copies of the replacement 1449 forms.

In response to the Restriction Requirement issued in this application, Applicants have cancelled non-elected claims 12-24 without prejudice to their ability to file such claims in a divisional application.

By way of the same Office Action, the Examiner has rejected claims 1-3 and 6-11 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,858,503 to Everhart et al. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims, for the following reasons. Applicants submit that the Everhart reference describes the passage of solution into a web, but is silent as to thicknesses of such a web. As Applicants described in the current specification, such as at page 2, lines 21-28 of the "Background" section, and through its various examples, such as page 22, lines 7-10, previous methodologies for treating nonwovens do not produce a thick material with the attributes claimed. Applicants' own testing, as demonstrated by the examples in the application, indicate that for thicker materials, one does not arrive at the coverage of active agent using a vacuum. A vacuum will only provide limited use for treating a thicker nonwoven fabric.

The Examiner has indicated that it is his position that the skilled artisan would readily understand that increasing the thickness of a filter would allow the filter to handle larger volumes of aqueous fluids. In contrast, it is Applicants' position that a thicker fabric material with the tortuous paths of pores and inter-connecting interstitial spaces would lead to a disparate non-uniform coverage of a treated active agent on the fabric, and certainly coverage clearly favoring a much higher level of active agent

deposition on the top surface of a fabric (that portion onto which the agent was immediately applied).

The Examiner has likewise indicated that a denser fabric would trap finer particulates and a less dense fabric would increase the flow of filtration at the sacrifice of allowing larger particulates to pass through the fabric. This analogy is also directed to the act of filtering particulates, rather than a more uniform coating of active agents through the thickness of a fabric, which is one of the focuses of the claimed invention.

Nevertheless, in order to further clarify the claimed invention, language has been added to claim 1 to describe the presence of greater amounts of the active agent on the interior of the fabric than the outer surfaces. It is respectfully submitted that such distinction is neither disclosed or suggested by the Everhart reference. Further, similar language has been added to claim 8. Support for these claim amendments may be found in Figure 8 and the supporting description on page 22, and the text at page 15, lines 23-37 and page 16, lines 1-11. Applicants therefore respectfully submit that since there is no suggestion or motivation in Everhart for such claim language, the rejection should be withdrawn. Likewise, claims dependent from the independent claims should be allowable. With specific reference to the Examiner's rejection of claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Everhart in view of Phillips et al. (5,972,505 or 5,733,490), it is likewise submitted that the combination also does not suggest the subject matter as currently claimed.

Applicants have submitted contemporaneously herewith a Supplemental IDS and 1449 form. Applicants request the Examiner to make of record an indication of review of such references, or alternatively, an indication of why such references will not be considered. A Petition for a Two Month Extension of Time has been filed concurrently with this response, extending the time to respond to July 14, 2003 (July 12 is a Saturday) along with an RCE.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, he is encouraged to call the undersigned at (770)-587-8646.

Appl. No. 09/416,808
Amdt. dated July 11, 2003
Reply to Office Action of February 12, 2003

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

MARMON ET AL.

By: _____

Steven D. Flack
Registration No.: 40,608
Attorney for Applicant(s)